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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,471	02/14/2005	Yasuhisa Okabe	42610.6300	6927

21611 7590 08/15/2006

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,471	<b>Applicant(s)</b> OKABE ET AL.	
	<b>Examiner</b> Lee Lum	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A Preliminary Amendment was filed 2/14/05 in which Claims 10-12 were added.

2. Claim 1 is objected to because in line 5, "is" should be placed before "positioned".

Claim 2 is objected to because "an" in "an air" should be deleted.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-7 and 10-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Miyajima et al 6409783.

Miyajima discloses a motorcycle frame comprising

Head block 1 including headtube 18,

Main frame 2, 12, 13 (fig 4), members 12 and 13 being hollow, and being forked leftwards and rightwards from the head block to form main frame half portions, including

swing arm brackets (unidentified in fig 5) extending downwards from rear ends of the half portions, and made\* from a metal casting,

air intake passages (as depicted in fig 4) through the main frame to air cleaner 21, the air cleaner positioned between the frame half portions (fig 1),

inner portion formed\* from a metal casting (c3, ln 17-18),

outer portion formed by an outer member prepared\* from sheet metal (c3, ln 17-18),

inner and outer portions forming a general "U" shape (i.e., interior and exterior halves as seen in crosssection), with openings jointed, (fig 4; angled

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portions between members 12 and 13), *as broadly and reasonably interpreted*,  
with each other to form the air passages,

traverse flash plates 25 to separate water from the air flow,

air cleaner positioned downstream (fig 1),

water release means 29b (fig 6),

wherein

the head block with air intake is a metal casting\* (c3, ln 16, where  
"casing" is understood to be "casting").

\* The language is directed towards a process of manufacture/making, and thus is  
immaterial to an apparatus claim.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described  
as set forth in section 102 of this title, if the differences between the subject matter sought to  
be patented and the prior art are such that the subject matter as a whole would have been  
obvious at the time the invention was made to a person having ordinary skill in the art to which  
said subject matter pertains. Patentability shall not be negated by the manner in which the  
invention was made.

**Claims 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Miyajima in view of Yamagiwa et al 4989665.

Miyajima does not disclose a crossmember, nor ribs within the inner member.

Yamagiwa shows

Cross member 88 (fig 3),

Ribs 54 in inner wall 22 (fig 11A).

Re the cross member, it would have been obvious to one with ordinary skill in the art at  
the time the invention was made to include this configuration, as shown in Yamagiwa, to  
provide an additional frame member to fortify the main frame portions, thus increase  
structural integrity of the frame, and as is very well-known.

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Re the ribs, it would have been obvious to include these for strengthening the inner wall, where interior components are located, thus increase structural integrity here also.

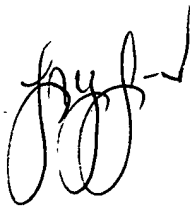
5. The prior art considered pertinent, but not relied upon, includes:

Takemura et al 4722412, Shinozaki et al 4648474, Iwai 4637486, Yanagishita et al 4611679, Yamada 4597466.

6. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum-Vannucci at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300. Info re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system as follows: for unpublished applications – private PAIR only, for published applications – private or public PAIR. For more info on PAIR – <http://pair-direct.uspto.gov>. For more info on private PAIR – call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci  
Examiner  
8/11/06

A handwritten signature in black ink, appearing to read 'Lum-Vannucci', with a checkmark at the end.